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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,581	11/12/2003	Diana Curran	CDA-10002/15	6671
25006	7590	09/28/2005	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C			PRASAD, SONAL	
PO BOX 7021				
TROY, MI 48007-7021			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,581

Applicant(s)

CURRAN, DIANA

Examiner

Sonal Prasad

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Heinrich (US 2005/0165432 A1). Heinrich discloses the same invention as in claim 1, including an inflatable cuff for use with a trocar inserted within an abdominal cavity, the trocar exhibiting a hollowed interior and including an upper funnel portion and an interconnecting and downwardly extending sleeve portion, said cuff comprising (Claim 1, lines 8-9): said cuff exhibiting a flexible and inflatable annular shape and being constructed of a fluid-tight material ([0063, lines 3-5]); said cuff securing in an initially deflated condition ([0056, lines 18-20]) at a location about the sleeve portion of the trocar ([0057, lines 7-9]), said cuff being subsequently inflated after insertion of said sleeve within a patient's abdominal cavity and insufflation of the cavity, said cuff maintaining a sealed condition within the abdominal cavity during insertion of the trocar. ([006, lines 1-3]). Additionally the intended use of the "locking collar to be slightly flexible and compressible" is capable of functioning as a fluid tight material.

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3. Heinrich discloses the same invention as in claim 2, including an inflatable cuff further comprising a port extending through said trocar from a first location outside of the patient's abdominal cavity to a second location in communication with said cuff, a fluid line ([0049, lines 10-15]) extending through said port to said cuff and communicating a pressurized gas to inflate said cuff. ([0046, lines 5-7]).

4. Heinrich discloses the same invention as in claim 3, including an inflatable cuff further comprising said cuff capable of being retrofitted to a variety of different trocar devices ([0063, line 4]).

5. Heinrich discloses the same invention as in claim 4, including an inflatable cuff having a specified shape and size, further comprising a laparoscope inserting through an open interior of the trocar and into the abdominal cavity ([0041, lines 1-11], [0042, lines 1-11], [0043, lines 1-15]).

6. Heinrich discloses the same invention as in claim 5, including the inflatable cuff further comprising a modified port located at a first extending end of said fluid line, said port capable of receiving an intravenous type tubing ([Claim 12, line 2-5]) in order to provide said cuff and trocar with operating characteristics similar to that of an endotracheal tube.

7. Heinrich discloses the same invention as in claim 6, including the inflatable cuff for use with a trocar inserted within an abdominal cavity, the trocar exhibiting a hollowed interior and including an upper funnel portion and an interconnecting and downwardly extending sleeve portion, said cuff comprising (Claim 1, lines 8-9) a flexible and inflatable annular shape and being constructed of a fluid-tight material ([0063, lines 3-

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5)); said cuff securing in an initially deflated condition at a location about the sleeve portion of the trocar ([0056, lines 18-20]) , a fluid line extending through a port in said trocar and to a location along said cuff, said cuff being inflated after insertion of said sleeve within a patient's abdominal cavity to maintain a sealed condition within the abdominal cavity.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (US 5,203,773) (US 4,637,814)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonal Prasad whose telephone number is 571-272-3383. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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TECHNOLOGY CENTER 3700